

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0308

HOUSE BILL NO. 1065

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the 24/7 sobriety
2 program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-11-19 be amended to read as follows:

5 1-11-19. Each county, through its sheriff, may participate in the 24/7 sobriety program. If
6 a sheriff is unwilling or unable to participate in the 24/7 sobriety program, the sheriff may
7 designate an entity willing to provide the service. If twice a day testing is ordered, the sheriff,
8 or designated entity, shall establish the testing locations and times for each county but shall have
9 at least one location and two daily testing times approximately twelve hours apart.

10 The Department of Corrections may participate in the 24/7 sobriety program for electronic
11 alcohol monitoring device testing of parolees.

12 The Unified Judicial System may participate in the 24/7 sobriety program for electronic
13 alcohol monitoring device testing of persons placed under its supervision.

14 Section 2. That § 1-11-25 be amended to read as follows:

15 1-11-25. ~~All user~~ Any fees collected under §§ 1-11-17 to 1-11-25, inclusive, shall be



distributed as follows:

- (1) ~~At~~ Any daily user fees fee collected in the administration of twice a day testing shall be paid into the treasury of the proper county, or collected by the entity designated by the sheriff, drug patch testing, or urinalysis testing under the 24/7 sobriety program shall be collected by the sheriff, or the entity designated by the sheriff, and paid into the general fund of the proper county, the proceeds of which shall be applied and used only to defray the recurring costs of twice a day testing the 24/7 sobriety program including maintaining equipment, funding support services and ensuring compliance;
- (2) ~~At~~ Any installation and deactivation fee collected in the administration of electronic alcohol monitoring device testing shall be collected by the sheriff, or the entity designated by the sheriff, and paid into the general fund of the proper county, the proceeds of which shall be applied and used only to defray the recurring costs of the 24/7 sobriety program including maintaining equipment, funding support services, and ensuring compliance;
- (3) Any daily user fees fee collected as a result of in the administration of the 24/7 sobriety program other than those collected by the county, or entity designated by the sheriff, for twice a day testing; electronic alcohol monitoring device testing shall be deposited in the 24/7 sobriety fund created by § 1-11-18; and
- (4) The Department of Corrections or the Unified Judicial System may collect an installation fee and a deactivation fee in their administration of electronic alcohol monitoring device testing. These fees shall be deposited into the state general fund.